

SENATE BILL 919

By Rose

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, relative to children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-119(c), is amended by redesignating the current language as subdivision (c)(1) and adding the following new subdivisions:

(2) If the child is three (3) years of age or less at the time the petition is filed, the court has received the final court report concerning the circumstances of the child and the petitioners, and is satisfied that the adoption will be in the best interest of the child, then the court may reduce the six-month waiting period after the filing of the adoption petition to a three-month period and may enter an order of adoption.

(3) If the child is within six (6) months of turning eighteen (18) years of age at the time of the final hearing of adoption, the court has received the final court report concerning the circumstances of the child and the petitioners, and is satisfied that the adoption will be in the best interest of the child, then the court may waive the six-month waiting period after the filing of the adoption petition and may enter an order of adoption.

SECTION 2. Tennessee Code Annotated, Section 36-1-113, is amended by deleting subsection (k) and substituting:

The court shall ensure that the hearing on the petition takes place within six (6) months of the date that the petition is filed, unless the court determines an extension is in the best interest of the child. The court shall provide a ruling on the petition and enter an order that makes specific findings of fact and conclusions of law within thirty (30)

days of the conclusion of the hearing. If a case has not been completed within six (6) months from the date the petition was filed, then the petitioner or respondent has grounds to request that the court of appeals grant an order expediting the case at the trial level.

SECTION 3. Tennessee Code Annotated, Section 36-1-111, is amended by deleting subdivision (o)(6)(C) and substituting:

(C) If the person, the department, or the licensed child-placing agency to whom the child is surrendered or to whom parental consent is given has physical custody or has otherwise complied with the requirements of subdivision (d)(6), and if there has been full compliance with the other provisions of this section, then the court shall, contemporaneously with the surrender or the filing of an adoption petition, immediately upon motion by the person or the person's attorney, or by the department or the licensed child-placing agency, enter an order giving the person, the licensed child-placing agency, or the department, complete guardianship or partial guardianship of the child.

SECTION 4. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(i), is amended by deleting "forty-five (45) days" and substituting "sixty (60) days".

SECTION 5. Tennessee Code Annotated, Section 36-1-109(a)(1)(B)(ii), is amended by deleting "or for counseling for" and substituting "or for counseling, which may occur in person or by virtual means, for".

SECTION 6. Tennessee Code Annotated, Section 36-1-117, is amended by deleting subdivision (c)(2) and substituting:

(2) The biological father has claimed to the child's biological mother, or the petitioners or their attorney, or to the department, a licensed child-placing agency, or a licensed clinical social worker who is involved in the care, placement, supervision, or study of the child, that the biological father believes that the biological father is the father

of the child and has either paid financial support to or for the benefit of the child or the child's mother during the pregnancy or when the mother had physical custody of the child, or has made a court filing or appearance consistent with the biological father's claim of paternity; provided, that if the biological father has previously notified the department of the biological father's claim to paternity of the child pursuant to the putative father registry, § 36-2-318(e)(3), then the biological father is subject to all requirements for waiver of notice provisions of § 36-2-318(f)(2) and to all requirements for filing a paternity petition;

SECTION 7. Tennessee Code Annotated, Section 36-1-117, is amended by deleting subdivision (c)(3) in its entirety.

SECTION 8. Tennessee Code Annotated, Section 36-1-117, is amended by deleting subdivision (c)(4) and substituting:

(4) The biological father has openly lived with the child and has held himself out as the father of the child; provided, that if custody of the child has been removed from the biological mother by court order, notice shall be given to any man who was openly living with the child at the time of the initiation of the custody or guardianship proceeding that resulted in the removal of the custody or guardianship of the child from the biological mother or biological father, if the man held himself out to be the father of the child at the time of the removal; or

SECTION 9. This act takes effect upon becoming a law, the public welfare requiring it.